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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,696	02/06/2004	Mervyn John Rose	85170-5100	7787
28765 7590 10/02/2007 WINSTON & STRAWN LLP PATENT DEPARTMENT 1700 K STREET, N.W. WASHINGTON, DC 20006			EXAMINER SCHILLINGER, LAURA M	
			ART UNIT 2813	PAPER NUMBER
			MAIL DATE 10/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,696

Applicant(s)

ROSE ET AL.

Examiner

Laura M. Schillinger

Art Unit

2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-13 and 39-67 is/are pending in the application.
- 4a) Of the above claim(s) 39-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cathey et al ('207).

Cathey teaches the following claimed limitations as cited below:

6. A field emission backplate comprising a planar body or thin film of amorphous semiconductor based material and a plurality of emitter sites formed by laser crystallization of respective portions of the planar thin body or thin film amorphous semiconductor based material (Col.5, lines: 60-69).

7. The field emission backplate of claim 6, wherein the semiconductor based material is silicon or an alloy thereof (Col.5, lines: 60-69).

8 A field emission device comprising the field emission backplate of claim 6 (Abs., lines: 1-5).

9. The field emission device of claim 8, wherein the field emission device is a vacuum device wherein the emitter sites of the backplate act as an emission source in the device (Col.4, lines: 30-40).

10. The field emission device of claim 9, further comprising a substrate, a field emission backplate, and an evacuated space and a transparent window, wherein the field emission backplate is formed upon the substrate and the evacuated space is located between the field emission backplate and the thin film transparent metal or metallised phosphor (Col.4, lines: 10-40).

11. The field emission device of claim 8, further comprising a wide band- gap light emitting material, into which the electrons from the emitter Sites of the backplate are emitted in use (Col.4, lines: 10-40).

12. (Original) The field emission device of claim 11, further comprising a substrate, a field emission backplate on one side of which is formed a plurality of emitter sites, a light emitting polymer and a thin film transparent metal or metallised phosphor, wherein a field emission backplate is formed upon the substrate, one surface of the light emitting polymer is disposed on a plurality of emitter sites of the field emission backplate, the thin film transparent metal being disposed on the other surface of the light emitting polymer (Col.4, lines: 10-40).

13. The field emission device of claim 11, wherein the device is a display device (Col.4, lines: 1-10).

Response to Arguments

Applicant's arguments filed 6/29/07 have been fully considered but they are not persuasive. Applicant argues that Cathey teaches to mask and etch the amorphous silicon layer and that such a process is different from that of Applicant's specification. Once again, the Applicant is reminded that the name of the game is the claim and that moreover Applicant's claims are directed to a *device* not a method. There is no language in claim 6 precluding the method taught by Cathey and moreover, there is no language in claim 6 that distinguishes the device of Cathey from that of Applicant's specification.

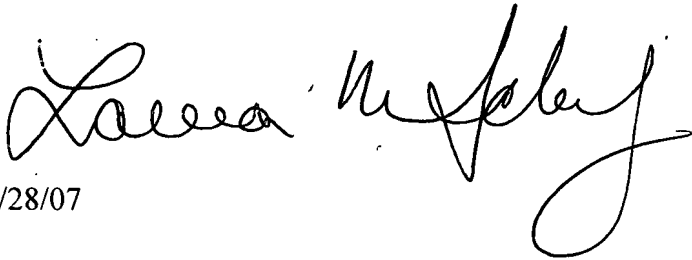
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Schillinger whose telephone number is (571) 272-1697. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W. Whitehead, Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Laura M Schillinger', with a large, stylized flourish at the end.

Laura M Schillinger
Primary Examiner
Art Unit 2813

09/28/07